

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charlie Hartford	Team: Squad #8	CCRB Case #: 201904023	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/08/2019 5:41 PM	Location of Incident: § 87(2)(b)	Precinct: 07	18 Mo. SOL 11/8/2020	EO SOL 6/25/2021	
Date/Time CV Reported Fri, 05/10/2019 12:16 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 05/10/2019 12:16 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Allan Tazea	30253	929493	007 PCT
2. POM Stephen Patti	10817	957939	007 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephen Patti	Off. Language: Police Officer Stephen Patti made remarks to § 87(2)(b) based upon the mental status of § 87(2)(b)	§ 87(2)(b)
B.POM Stephen Patti	Off. Language: Police Officer Stephen Patti made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	§ 87(2)(b)
C.POM Allan Tazea	Abuse: Police Officer Allan Tazea refused to provide his name to § 87(2)(b)	§ 87(2)(b)
D.POM Stephen Patti	Abuse: Police Officer Stephen Patti refused to provide his name to § 87(2)(b)	§ 87(2)(b)
E.POM Allan Tazea	Abuse: Police Officer Allan Tazea refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
F.POM Stephen Patti	Abuse: Police Officer Stephen Patti refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
G.POM Allan Tazea	Abuse: Police Officer Allan Tazea forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
H.POM Stephen Patti	Abuse: Police Officer Stephen Patti forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On May 15, 2019, § 87(2)(b) filed this complaint via the on-line website.

On May 8, 2019, at approximately 5:41 p.m., in the vicinity of § 87(2)(b) in Manhattan, Police Officer Stephen Patti of the 7<sup>th</sup> Precinct allegedly made remarks to § 87(2)(b) based upon her gender and mental status (**Allegations A and B: Offensive Language**, § 87(2)(g)). PO Patti and Police Officer Allan Taeza of the 7<sup>th</sup> Precinct allegedly refused to provide their names and shield numbers to § 87(2)(b) (**Allegations C-F: Abuse of Authority**, § 87(2)(g)). PO Patti and PO Taeza forcibly removed § 87(2)(b) to the hospital (**Allegations G and H: Abuse of Authority**, § 87(2)(g), § 87(4-b)).

This case contains body-worn camera footage (Board Reviews 05 and 06). This case also contains cell phone video footage filmed by § 87(2)(b) (Board Reviews 07 and 08).

### Findings and Recommendations

**Allegation (A) Offensive Language: Police Officer Stephen Patti made remarks to § 87(2)(b) based upon the mental status of § 87(2)(b)**

**Allegation (B) Offensive Language: Police Officer Stephen Patti made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)**

In her sworn statement regarding this incident, § 87(2)(b) alleged that at approximately 5:41 p.m. on May 8, 2019, PO Patti approached her in front of § 87(2)(b) in Manhattan and ordered her to move from in front of the building (Board Review 02). Prior to being approached by PO Patti, she had consumed a one-shot bottle of liquor of alcohol. § 87(2)(b) refused to leave the area, and in the course of the ensuing argument, PO Patti allegedly called § 87(2)(b) a “crazy whore.”

§ 87(2)(b) was not present for this portion of the incident (Board Review 01). PO Taeza and PO Patti both denied that PO Patti made this statement (Board Reviews 03 and 04). Body-worn camera footage filmed by PO Patti and PO Taeza largely does not capture the incident prior to EMS’ arrival on scene, § 87(2)(g) (Board Reviews 05-06).

§ 87(2)(g)

**Allegation (C) Abuse of Authority: Police Officer Allan Taeza refused to provide his name to § 87(2)(b)**

**Allegation (D) Abuse of Authority: Police Officer Stephen Patti refused to provide his name to § 87(2)(b)**

**Allegation (E) Abuse of Authority: Police Officer Allan Taeza refused to provide his shield number to § 87(2)(b)**

**Allegation (F) Abuse of Authority: Police Officer Stephen Patti refused to provide his shield number to § 87(2)(b)**

In her sworn statement, § 87(2)(b) described observing § 87(2)(b) standing on the southwest corner of § 87(2)(b) in Manhattan. § 87(2)(b) who § 87(2)(b) did not know, appeared to be upset, and complained that she was being harassed by police officers. After PO Patti and PO Taeza approached, § 87(2)(b) argued with the officers about the necessity of removing § 87(2)(b) to the hospital and requested PO Taeza’s name and shield number

(Board Review 01). PO Taeza responded, “It is right here on my chest.” He did not turn around and continued walking toward an ambulance. § 87(2)(b) stated, “You turned around too fast and I did not see your badge number. Can you please turn around?” As PO Taeza was walking, he told § 87(2)(b) “It is right here. See?” He then quickly turned towards § 87(2)(b) pointed at his name plate, turned away and kept walking. PO Taeza did not stop as he pointed at his name plate. Later, as both officers were in front of her, § 87(2)(b) asked, “Can I get your names and badge numbers?” Neither officer turned to her or provided their identifying information.

In her sworn statement, § 87(2)(b) recalled § 87(2)(b) requesting an officer’s identifying information, but did not recall what was requested specifically and did not remember if § 87(2)(b) complained that she did not obtain it (Board Review 02).

This allegation is depicted on body-worn camera footage. At 03:33 minutes in PO Taeza’s first body-worn camera video, while all the involved individuals are jaywalking across a four-lane thoroughfare, § 87(2)(b) asks, “Excuse me sir, what’s your name?” (Board Review 05). PO Patti can be heard verbally responding with his name, while PO Taeza turns to face § 87(2)(b) and states, “It’s right here.” PO Taeza remains facing § 87(2)(b) for around five seconds before turning and continuing to walk. At 03:44 § 87(2)(b) says she wants to take a picture, and says, “Excuse me sir, could you stop? I didn’t get your name and [indecipherable] number.” § 87(2)(b) who is still in the street, states “I can’t stop I’m doing something.” At 04:24, PO Taeza turns around to face § 87(2)(b) who is depicted recording on her phone and verbally reciting both officers’ names.

The video footage § 87(2)(b) recorded during the incident also depicts § 87(2)(b) closely approaching both officers and verbally reading their names off their shields (Board Review 07).

Patrol Guide Procedure 203-09 requires officers to clearly state their name and shield number upon request, or else otherwise provide this information (Board Review 10).

The body-worn camera footage filmed by PO Taeza shows that upon § 87(2)(b) initially requesting the officers’ names, PO Patti verbally provided this information, while PO Taeza otherwise imparted the information by turning to face § 87(2)(b) and indicating that it was contained on his shield. Less than a minute later, § 87(2)(b) was able to record the officers’ identifying information by closely approaching them with a cell phone and video recording their shields and stating their names out loud for the camera. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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§ 87(2)(b)

§ 87(2)(b)

**Allegation (G) Abuse of Authority: Police Officer Allan Taeza forcibly removed § 87(2)(b) to the hospital.**

**Allegation (H) Abuse of Authority: Police Officer Stephen Patti forcibly removed § 87(2)(b) to the hospital.**

It is undisputed that PO Patti and PO Taeza removed § 87(2)(b) to the hospital against her will. § 87(2)(b)’s medical records show that she was admitted to § 87(2)(b) at § 87(2)(b) (Board Review 14). She was evaluated as suffering from no acute psychiatric condition and not warranting a hold against her will. § 87(2)(b)

was discharged at 9:10 p.m. the same day.

In his CCRB interview, PO Patti stated that he approached § 87(2)(b) on the date of incident because she was unsteady on her feet and was yelling at no one in particular (Board Review 03). PO Patti described § 87(2)(b) as being intoxicated, with the strong odor of alcohol on her breath and glassy eyes. PO Patti observed § 87(2)(b) walk into the street against traffic and cross the street. It was solely this factor which led PO Patti to believe § 87(2)(b) posed a threat to herself and/or other people. PO Patti requested EMS to the location as a result. PO Patti affirmed during his interview that he made the decision to remove § 87(2)(b) to the hospital.

In his CCRB statement, PO Taeza claimed that on the date of incident, § 87(2)(b) was being aggressive towards the tenants of § 87(2)(b) by standing in front of the building, approaching them, and dancing while shaking her “back” towards them (Board Review 04). § 87(2)(b) was removed to the hospital solely because she was intoxicated and being aggressive towards passersby. PO Taeza testified that § 87(2)(b) never crossed a street during the interaction. After PO Patti told § 87(2)(b) she was going to the hospital, § 87(2)(b) allegedly started yelling and waving her arms back and forth inches from PO Patti and PO Taeza’s faces, leading PO Patti to handcuff her. PO Taeza believed that she might pose a risk to herself or other people solely because of the way she waved her arms.

In her CCRB statement, § 87(2)(b) affirmed that § 87(2)(b)’s breath smelled strongly of alcohol during the incident (Board Review 01).

There is no video footage that depicts officers interacting with § 87(2)(b) prior to EMS’ arrival on scene. Body-worn camera footage does not depict § 87(2)(b) walking into oncoming traffic, waving her arms in officers’ faces, or displaying any overt signs of intoxication (Board Review 05). At 00:35 minutes in his second BWC video, PO Patti is depicted telling § 87(2)(b) that § 87(2)(b) is going to the hospital because she is intoxicated. At 06:51 minutes, after an EMT asks what § 87(2)(b) had done to prompt her removal to the hospital, PO Patti states, “She was intoxicated in public, she was drinking in public, she was being an annoyance and a nuisance to everybody walking on the sidewalk. And she’s going to the hospital because she’s intoxicated, and she continues to go into the liquor store and get more liquor to become more intoxicated, which then poses a threat to everybody else around her.”

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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Patrol Guide Procedure 221-13 defines an Emotionally Disturbed Person (EDP) as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others (Board Review 13). The Patrol Guide demands that officers remove EDPs to the hospital.

N.Y. Mental Hyg. Law § 9.41 (Board Review 11) substantially reiterates the Patrol Guide’s instructions regarding removing emotionally disturbed persons, while § 9.01 (Board Review 12) defines “likelihood to result in serious harm” or “likely to result in serious harm” as

- a) a substantial risk of physical harm to the person as manifested by threats of or attempts at

suicide or serious bodily harm or other conduct demonstrating that the person is dangerous to himself or herself, or

- b) a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

#### **Civilian and Officer CCRB Histories**

- PO Taeza has been a member of service for 17 years. He has been the subject of 15 allegations in seven prior cases, two of which have been substantiated.
  - In CCRB 201501315 PO Taeza was the subject of substantiated allegations regarding a refusal to provide name/shield number and verbal discourtesy. The Board recommended that PO Taeza receive Command Discipline B, while the NYPD disposition and penalty are not noted in CTS.
- PO Patti has been a member of service for five years. He has been the subject of eight allegations in four other cases, none of which were substantiated § 87(2)(g)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 20).
- § 87(2)(b) has been party to seven other CCRB complaints, § 87(2)(b)
  - § 87(2)(b)

- This case was not eligible for mediation.
- A FOIL request filed with the NYC Comptroller's office indicates that § 87(2)(b) has not filed a Notice of Claim regarding this incident (Board Review 16).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
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[REDACTED]  
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[REDACTED]

Investigator: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_

Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_